

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82 OF THE SAN MARCOS CITY CODE TO ADD A NEW ARTICLE 8, SAFE PASSING OF VULNERABLE ROAD USERS; AMENDING SECTION 82.159 OF THE SAN MARCOS CITY CODE TO MAKE PARKING IN A BICYCLE LANE A LEVEL THREE PARKING VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 82 of the San Marcos City Code is hereby amended to add a new Article 8 to read as follows (underlining indicates new text):

ARTICLE 8. SAFE PASSING OF VULNERABLE ROAD USERS

Sec. 82.294. Vulnerable road users.

- (a) In this section, a vulnerable road user means:
 - (1) A pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;
 - (2) A person on horseback;
 - (3) A person operating equipment other than a motor vehicle, including, but not limited to, a bicycle handcycle, horse-driven conveyance, or unprotected farm equipment; or
 - (4) A person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.
- (b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
 - (1) Vacate the lane in which the vulnerable road user is located if the highway has two (2) or more marked lanes running in the same direction; or
 - (2) Pass the vulnerable road user at a safe distance.
- (c) For the purpose of subsection (b)(2), when road conditions allow, safe distance is at least:
 - (1) Three (3) feet if the operator's vehicle is a passenger car or light truck; or
 - (2) Six (6) feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by V.T.C.A., Transportation Code § 522.003.
- (d) An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a

vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.

- (e) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.
- (f) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
 - (1) Is intended to cause intimidation or harassment to a vulnerable road user, or
 - (2) Threatens a vulnerable road user.
- (g) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.
- (h) It is an affirmative defense to prosecution under this section that at the time of the offense the vulnerable road user was acting in violation of the law.

SECTION 2. Section 82.159(a)(3) of the San Marcos City Code is hereby amended to read as follows (underlining indicates added text):

Level three violations 50.00

Commercial vehicle, semi-trailer, pole trailer, construction vehicle or farm equipment on street in residential area

Parked in fire zone

Parked within 15 feet of a fire hydrant

Parked in front or side yard or vacant lot

Parked in a bicycle lane

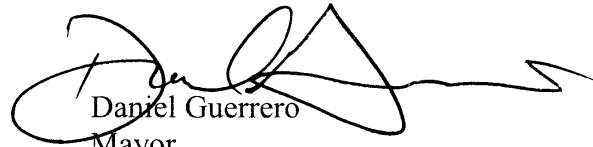
SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

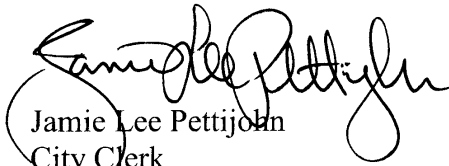
PASSED AND APPROVED on first reading on February 4, 2014.

PASSED, APPROVED AND ADOPTED on second reading on February 18, 2014




Daniel Guerrero
Mayor

Attest:



Jamie Lee Pettijohn
City Clerk

Approved:



Michael J. Cosentino
City Attorney